REMARKS

Claims 1-30, 32 and 33 are now pending in this action. Applicants thank the Examiner for the allowance of claims 27-30 and 33.

Claims 8, 9 and 20-22 are objected to, and claims 1-7, 10-19, 23-26 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Franaszek et al. in view of Bigham, and further in view of Rostoker et al. and Auld. Claims 8, 9 and 20-22 were indicated by the examiner as allowable if rewritten in independent form.

Claim Rejections Under 35 USC § 103(a)

Claims 1-3, 4-6, 13-15, and 16-18, are rejected under 35 U.S. C. 103(a) as being unpatentable over **Franaszek et al** (US Patent No.5,729,228), hereinafter Franaszek in view of **Bigham** (US Patent No.5,544,161), and further in view of **Rostoker et al** (US Patent No. 5,872,784), hereinafter, Rostoker, and **Auld** (US Patent No. 5,686,965).

Applicants have considered the references and amended the claims to more clearly state the invention. In particular, Applicants have deleted "predictor" from the claims and inserted "length." As the claims now stand, independent claims 1, 3, 13 and15 all recite:

> wherein the header information comprises a *length*;
>
> ...
>
> separating packets from the packetized encoded bitstream *using the header information*;

The examiner indicated that Franaszek does not disclose expressly a packet comprising header information and encoded data; and combining the packets into a packetized encoded bitstream. Nevertheless, the examiner combined *three* additional references Bigham, Rostoker and Auld that purportedly teach the remaining elements of the claimed invention. To that end, the examiner combined two of the four references (Franaszek in view of Bigham) and determined that the combination "does not disclose expressly encoding components of pixels using compression algorithm; and predictor in header information." For the undisclosed remaining elements, the examiner cited Rostoker and Auld.

Applicants respectfully disagree and submit that the Examiner has failed to establish a *prima facie* case of obviousness. Nevertheless, Applicants have amended the claims and request that the Examiner reconsider the rejection for at least two reasons: First, the references cited by the Examiner do not teach all of the elements of the claimed invention; and second, rather than considering the claimed invention as a whole, the Examiner has used Applicants' own reference as a template to pick and choose elements from the prior art without providing a proper motivation to combine the prior art references.

Applicants maintain that the Examiner has not considered the claims as a whole and that "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Royka,* 180 USPQ 580 (CCPA 1974); *see also* MPEP 2143.03. Here,

Applicants submit that the Examiner has not considered the claim language, in claim 1 for example, that:

> at least one packet comprises header information and encoded data and wherein the *header information* comprises *a length*;
>
> separating packets from the packetized encoded bitstream *using the header information*;

Independent claims 3, 13, and 15 have similar limitations. The Examiner has relied on Bigham for the porposition that a packet "consists of a header section and a payload section." Action p.3. However, the Examiner has provided no citation from any of the cited references teaching that packets are *separated* from the bitstream *using* the header information.

Additionally, Applicants note that the examiner relies on ***four*** references in order to purportedly find that Applicants claimed invention is obvious. Moreover, the purported motivation to combine the references cited by the examiner appears to employ somewhat circular logic. For example, the examiner indicates that "[t] he suggestion/motivation to [combine the references] would have been obvious" or that "[t]he suggestion/motivation to [combine the references] would have been logical." Action p. 4-5. The examiner has provided little support for a motivation to combine references from the references themselves but rather has merely asserted that such combinations are logical and obvious. In this instance the obviousness and logic seems implausible when the motivation is used to combine not two, but ***four*** different references.

For the above reasons, Applicants submit that the claims, as amended, patentably define over Franaszek in view of Bigham and further in view of Rostoker and Auld and respectfully request reconsideration of the claims.

Inasmuch as claims 2, 4-6, 14, and 16-18 depend from claims 1, 3, 13, and 15, Applicants submit that they also patentably define over the references for at least the reasons outlined above.

Claims 7, 10-12, 19, 23-26 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over **Franaszek et al** (US Patent No.5,729,228), hereinafter Franaszek in view of **Bigham** (US Patent No. 5,544,161), and further in view of **Rostoker et al** (US Patent No. 5,872,784), hereinafter, **Auld** (US Patent No. 5,686,965)Rostoker and **Schwartz et al** (US Patent No. 5,717,394), hereinafter Schwartz.

Inasmuch as claims 7, 10-12, 19, 23-26 and 32 depend from independent claims 1, 3, 13, and 15, Applicants submit that they also patentable define over the cited references at least for the reasons outlined above in connection with the independent claims.

CONCLUSION

A Notice of Allowance for all pending claims is respectfully solicited.

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